Exhibit L

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

SHARON REID, as an Individual, on behalf of herself and all others similarly situated; MYRON CARUSO, as an Individual, Plaintiff(s), vs. MERCK & COMPANY, INC., a corporation; CENTURY BEVERLY HILLS PHARMACY, a business entity; NEIGHBOR CARE PHARMACY, a business entity; GOOD SAMARITAN MEDICAL PHARMACY, a business entity, DOE PHARMACEUTICAL COMPANIES 1 through 50, inclusive; DOE PHARMACIES 51 through 100, inclusive; and DOES 101 through 200, inclusive. Defendant(s).	CASE NO. BC254630 **COMPLAINT FOR DAMAGES** 1. Strict Liability – Failure to Warn 2. Negligence 3. Negligence Per Se 4. Breach of Implied Warranty 5. Breach of Express Warranty 6. Deceit by Concealment 7. Negligent Misrepresentation 8. Violation of Business and Professions Code §17200 9. Violation of Business and Professions Code §17500 **DEMAND FOR A JURY TRIAL**

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INTRODUCTION

This case involves the drug Vioxx which was manufactured, sold, distributed and promoted by defendants to capitalize on the need of the public to have a pain reliever, similar to Ibuprofen, without any of the known Ibuprofen side effects. Defendants misrepresented that Vioxx was a safe and effective way to relieve osteoarthritis, management of acute pain in adults, and treatment of menstrual pain, when in fact the drug causes serious medical problems such as serious cardiovascular events and death.

GENERAL ALLEGATIONS

1. This is an action for personal injuries and damages brought on behalf of the Plaintiffs who have been prescribed and supplied with, received, and who have taken and ingested and consumed Vioxx as researched, designed, formulated, compounded, tested, manufactured, produced, processed, assembled, inspected, distributed, marketed, labeled, promoted, packaged, advertised for sale, prescribed or otherwise placed in the stream of interstate commerce by Defendant Merck & Company, Inc., Century Beverly Hills Pharmacy, Neighbor Care, Defendant Doe Pharmaceutical Companies 1 through 50, Defendant Pharmacies 51 through 100 and Defendants Does 100 through 200. This action seeks, among other relief, general and special damages and equitable relief in order to enable the Plaintiffs to treat and monitor the dangerous, severe and life-threatening side effects caused by these drugs, including but not limited to edema, changes in blood pressure, cardiovascular events, and death.
2. The true names or capacities whether individual, corporate or otherwise, of Defendants Defendant Doe Pharmaceutical Companies 1 through 50, Defendant Pharmacies 51 through 100, and Does 100 through 200, inclusive, are unknown to Plaintiffs who therefore sue said Defendants by such fictitious names. Plaintiffs believe and allege that each of the Defendants designated herein by fictitious names is in some manner legally

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responsible for the events and happenings herein referred to and caused damages proximately and foreseeably to Plaintiffs as alleged herein.

3. At all times herein mentioned, each of the Defendants was the agent, servant, partner, aider and abettor, co-conspirator and joint venturer of each of the remaining Defendants herein and were at all times operating and acting within the purpose and scope of said agency, service, employment, partnership, conspiracy and joint venture and rendered substantial assistance and encouragement to the other Defendants, knowing that their conduct constituted a breach of duty.

4. There exists, and at all times herein mentioned, there existed, a unity of interest in ownership between certain Defendants and other certain Defendants such that any individuality and separateness between the certain Defendants has ceased and these Defendants are the alter ego of the other certain Defendants and exerted control over those defendants. Adherence to the fiction of the separate existence of these certain Defendants as any entity distinct from other certain Defendants will permit an abuse of the corporate privilege and would sanction fraud and would promote injustice.

5. The injuries of Plaintiffs were caused by the wrongful acts, omissions, and fraudulent misrepresentations of Defendants, all of which occurred within the State of California.

6. At all times herein mentioned, one or more of the corporate Defendants was, and now is, a corporation doing business in the State of California.

7. At all times herein mentioned, one or more of the individual Defendants was, and now is a resident of the County of Los Angeles, State of California.

8. At all times herein mentioned, Merck & Company, Inc. and the Doe Pharmaceutical Company Defendants 1 through 50 , and each of them were engaged in the business of, or were successors in interest to, entities engaged in the business of research, designing, formulating, compounding, testing, manufacturing, producing, processing, assembling, inspecting, distributing, marketing, labeling, promoting, packaging and/or advertising for sale or selling the drug Vioxx.

9. At all times herein mentioned, Merck & Company, Inc. and the Doe Pharmaceutical Company Defendants 1 through 50, and each of them, were authorized to do business within the State of California and did in fact supply the aforementioned products within the State of California.

10. At all times herein mentioned, the officers and directors of Merck & Company, Inc. and the Doe Pharmaceutical Company Defendants 1 through 50 named herein participated in, authorized and directed the production and promotion of the aforementioned products when they knew, or with the exercise of reasonable care should have known, of the hazards and dangerous propensities of said products and thereby actively participated in the tortious conduct which resulted in the physical injuries described herein.

11. At all times herein mentioned, Century Beverly Hills Pharmacy, Neighbor Care Pharmacy, Good Samaritan Medical Pharmacy, and Defendant Doe Pharmacies, and each of them, were engaged in the business of prescribing, formulating, distributing, supplying and selling Vioxx.

The Plaintiff

12. Plaintiff, SHARON REID, who resides in the county of Los Angeles, in the State of California, took Vioxx and was injured as a result.

13. Plaintiff, MYRON CARUSO, who resides in the State of California, took Vioxx and was injured as a result.

The Defendant

14. Defendant Merck & Company, Inc. and Pharmaceutical Company Defendants manufactured, marketed, sold and distributed Vioxx which was ingested by the Plaintiffs.

15. Defendant Century Beverly Hills Pharmacy, Defendant Neighbor Care Pharmacy, and Defendant Doe Pharmacies are business entities which prescribed and/or provided Vioxx to plaintiffs.

16. Defendant Merck & Company, Incorporated, is in the business of researching, designing, formulating, compounding, testing, manufacturing, producing, processing, assembling, inspecting, distributing, marketing, labeling, promoting, packaging and/or advertising for sale Vioxx (Rofecoxib).

17. Defendant Merck & Company, Inc. was and is an American pharmaceutical company, incorporated under the laws of the State of New Jersey, whose principal place of business is One Merck Drive, P. O. Box 100, Whitehouse Station, New Jersey which at all times relevant manufactured and marketed, sold and distributed Vioxx for Defendant.

18. Defendant Century Beverly Hill Pharmacy is a corporation, partnership or other business entity licensed to do business in the State of California, having their places of business in the County of Los Angeles, State of California.

19. Defendant Neighbor Care Pharmacy is a corporation, partnership or other business entity licensed to do business in the State of California, having their place of business in the State of California.

FACTUAL ALLEGATIONS

20. At all times relevant, Defendants, and each of them, themselves, or by and through the use of others, did manufacture, create, design, test, label, sterilize, distributed, supply, prescribe, market, sell, advertise, warn, and otherwise distribute in interstate commerce and in the State of California the pharmaceutical product known as Vioxx.

21. Vioxx is the trade name of the generic drub Rofecoxib. Vioxx was and is utilized, prescribed, and sold by physicians for pain management and the relief of pain. Vioxx has been widely advertised and marketed by all named Defendants as a safe and effective pain relief medication.

22. Vioxx is a cycloosygenese-2-specific inhibitor. Vioxx is a non-steriodal anti-inflammatory drug that exhibits anti-inflammatory, analgesic and antipyretic activities in animal models. The mechanism of action of Vioxx is believed to be due to inhibitors of prostaglandin synthesis, via inhibition of cyclooxygenase-2 (Cox-2).

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23. Vioxx has been widely advertised by the Defendants as an effective pain reliever.

24. Ibuprofen is a widely used drug to reduce pain and inflammation. It is estimated that ibuprofen sales exceed $10 billion per year. A major side effect of Ibuprofen is gastrointestinal in nature. Merck & Company, Inc. endeavored to develop a drug with pain relieving and anti-inflammatory qualities that would not harm the user's stomach. Merck & Company, Inc. developed, tested and obtained FDA approval for Vioxx, a Cox-2 inhibitor designed to replace Ibuprofen.

25. Defendant Merck & Co., Inc. made filing(s) with the United States Food and Drug Administration in the United States.

26. These drugs have been liked to several severe and life threatening medical disorders including, but not limited to, edema, changes in blood pressure, heart attack, stroke, seizures, kidney and liver damage, pregnancy complications and death.

27. Evidence linking the subject drug formulations to significant edema, serious cardiovascular events, and death has been noted and reported in a large study that was sponsored by Merck & Company, Inc in 2000. These known material risks were not disclosed to or shared with Plaintiff by any Defendant.

28. Defendants' strategy beginning in the 1990's has been to aggressively market and sell these products by falsely misleading potential users about the products and by failing to protect users from serious dangers which Defendant knew or should have know to result from use of these products.

29. Defendants widely and successfully marketed Vioxx in the United States, by undertaking an advertising blitz extolling the virtues of Vioxx in order to induce widespread use of the products. The marketing campaign consisted of advertisements, promotional literature to be placed in the offices of doctors and other healthcare providers, and other promotional materials provided to potential Vioxx users.

30. The advertising program, as a whole, sought to create the image, impression and belief by consumers and physicians that the use of Vioxx was safe for human use, had fewer side effects and adverse reactions than other pain relief medications and would not

interfere with daily life, even though the Defendants knew these to be false, and even though the Defendants had no reasonable grounds to believe them to be true.

31. Defendants and each of them purposefully downplayed and understated the health hazards and risks associated with Vioxx. Defendants, through promotional literature, deceived potential users of Vioxx by relaying positive information, including testimonials from satisfied users, and manipulating statistics to suggest widespread acceptability, while downplaying the known adverse and serious health effects. Defendants concealed material relevant information from potential Vioxx users and minimized user and prescriber concern regarding the safety of Vioxx.

32. In particular, in the materials produced by Defendants, Defendants falsely misrepresented the severity, frequency and nature of adverse health effects caused by Vioxx, and falsely represented that adequate testing had been conducted concerning Vioxx.

33. As a result of the Defendants' advertising and marketing efforts, and representations concerning the subject products, the drugs are so pervasively prescribed throughout the United States.

FIRST CAUSE OF ACTION

(Strict Liability – Failure to Warn – Defendant Merck & Company, Inc.; Defendant Century Beverly Hills Pharmacy; Defendant Neighbor Care Pharmacy; Doe Defendant Pharmaceutical Company Defendants; and Doe Defendant Pharmacies)

34. Plaintiffs incorporate by reference herein Paragraphs 1 through 33 as though fully set forth herein.

35. The drug product previously described was defective as the time of its manufacture, development, production, testing, inspection, endorsement, prescription, sale and distribution, in that, and not by way of limitation, said products and their warnings, instructions and directions failed to warn of the dangerous propensities of said products, which risks were known or reasonably scientifically knowable to Defendants. The

Defendants, and each of them, knew or should have known of the defective condition, characteristics and risks associated with said products, as previously set forth herein.

36. At all times herein mentioned, the aforementioned; product was defective, and Defendant, and each of them, knew that the product was to be used by the user without inspection for defects therein. Moreover, Plaintiffs neither knew, nor had reason to know at the time of the use of the subject products, of the existence of the aforementioned defects.

37. As a result of the defective condition of the aforementioned product, Plaintiffs suffered injuries and damages as alleged herein.

SECOND CAUSE OF ACTION

(Negligence – Defendant Merck & Company, Inc.; Defendant Century Beverly Hills Pharmacy; Defendant Neighbor Care Pharmacy; Doe Defendant Pharmaceutical Company Defendants; and Doe Defendant Pharmacies)

38. Plaintiffs incorporate by reference herein Paragraphs 1 through 37 as though fully set forth herein.

39. At all times herein mentioned, Defendants, and each of them, had a duty to properly manufacture, design, formulate, compound, test, produce, process, assemble, inspect, research , distribute, market, label, package, prepare for use, sell, prescribe and adequately warn of the risks and dangers of the aforementioned product.

40. At all times herein mentioned, Defendants, and each of them, negligently and carelessly manufactured, designed, formulated, compounded, produced, processed, assembled, inspected, distributed, marketed, labeled, packaged, prepared for use and sold the aforementioned products and failed to adequately test and warn of the risks and dangers of the aforementioned products.

41. As a result of said negligence and carelessness of the defendants and each of them, Plaintiff suffered injuries and damages as alleged herein.

THIRD CAUSE OF ACTION

(Negligence Per Se – Merck & Company, Inc.; Doe Pharmaceutical Company Defendants)

42. Plaintiffs incorporate by reference herein Paragraphs 1 through 41 as tough fully set forth herein.

43. At all times herein mentioned, Defendants, and each of them, had an obligation not to violate the law, in the manufacture, design, formulation, compounding, testing, production, processing, assembly, inspection, research, distribution, marketing, labeling, packaging, preparation for use, sale and warning of the risks and dangers of the aforementioned products.

44. At all times herein mentioned, Defendants, and each of them, violated the Federal Food, Drug and Cosmetic Act, 21 U.S.C. Section 301, et seq., related amendments and codes and federal regulations provided thereunder, the Sherman Food, Drug and Cosmetic Law, California Health and Safety Code Sections 110290, 110390, 110395, 110398, 110400 and 111330, formerly Sections 26400, 26460, 26461, 26461.5, 26462, 26630 et seq., and California Civil Code Sections 1750, 1790, et seq., and regulations promulgated thereunder, and other applicable laws, statutes and regulations.

45. Plaintiffs, as a purchaser and consumer of the products, are within the class of persons the statutes and regulations described above are designed to protect, and Plaintiffs' injuries are they type of harm these statutes are designed to prevent.

46. Defendants failed to meet the standard of care set by the following statutes and regulations, which were intended for the benefit of individuals such as Plaintiffs, making Defendants negligent per se:

a. The labeling lacked adequate information on the use of Vioxx, even though the Defendants were aware of the widespread use of the Vioxx. [21 C.F.R. Section 201.56(a) and (d)]

b. The labeling lacked adequate information on the approximate kind, degree and duration of expected improvement, alone or in combination in violation of 21 C.F.R. Section 201.57(c)(3)(i).

c. The labeling did not state that there was a lack of evidence to support the common belief of the safety and advocacy of Vioxx [21 C.F.R. 201.57(c)(3)(i) and (iv) and (c)(2)]

d. The labeling failed to add warnings for serious cardiovascular events and death as soon as there was reasonable evidence of their association with the drug. [21 C.F.R. 201.57(e).

e. There was inadequate information for patients for the safe and effective use of Defendants' drugs, in violation of 21 C.F.R. 201.57(f)(2).

f. There was inadequate information regarding special care to be exercised by the doctor for safe and effective use of Defendants' drugs in violation of 21 C.F.R. 201.57(f)(1).

g. The labeling was misleading and promotion violation of 21 C.F.R. 201.56(b).

h. The labeling was misleading in violation of California Health and safety Code Sections 11130 and 110290.

i. Defendants' advertising and representations regarding the subject drug product were false and misleading in violation of Health and Safety Code Sections 110390 and 110290, and Civil Code Section 1770(a)(5).

47. As a result of the violations of the statutes described above, Plaintiffs suffered injuries and damages as alleged herein.

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FOURTH CAUSE OF ACTION

(Breach of Implied Warranty – Merck & Company, Inc., DOE Pharmaceutical Company Defendants)

48. Plaintiffs incorporate by reference herein Paragraphs 1 through 47 as though fully set forth herein.

49. Prior to the time that the aforementioned products were used by Plaintiff, Defendants, and each of them, impliedly warranted to Plaintiffs and Plaintiffs' agents and physicians that said products were of merchantable quality and safe and fit for the use for which they were intended.

50. Plaintiffs were and are unskilled in the research, design and manufacture of the aforementioned products and reasonably relied entirely on the skill, judgment and implied warranty of the Defendants in using the aforementioned products.

51. The aforementioned products were neither safe for their intended use nor of merchantable quality, as warranted by Defendants, in that they had dangerous propensities when put to their intended use and would cause severe injuries to the user.

52. As a result of the aforementioned breach of implied warranties by the defendants and each of them, Plaintiffs suffered injuries and damages as alleged herein.

FIFTH CAUSE OF ACTION

(Breach of Express Warranty – Merck & Company, Inc., and Doe Pharmaceutical Company Defendants)

53. Plaintiff incorporates by reference herein Paragraphs 1 through 52 as though fully set forth herein.

54. At all times herein mentioned, Defendants expressly warranted to Plaintiffs and Plaintiffs' agents and physicians, by and through statements made by Defendants or their authorized agents or sales representatives, orally and in publications, package inserts and other written materials intended for physicians, medical patients and the general public,

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that the aforementioned products were safe, effective, fit and proper for their intended use.

55. In utilizing the aforementioned products, Plaintiffs relied on the skill, judgment, representations and foregoing express warranties of the Defendants, and each of them. Said warranties and representations were false in that the aforementioned products were not safe and were unfit for the uses for which they were intended.

56. As a result of the foregoing breach of express warranties by the Defendants, and each of them, Plaintiff suffered injuries and damages as alleged herein.

SIXTH CAUSE OF ACTION

(Deceit by Concealment – Cal. Civ. Code §1709 – 1710 –
Defendant Merck & Company, Inc., Pharmaceutical Company Defendants Does 1 through 50, and Defendant Century Beverly Hills Pharmacy, Defendant Neighbor Care Pharmacy, and Defendant Pharmacy Does 51 through 100)

57. Plaintiffs incorporate by reference herein Paragraphs 1 through 56 as though fully set forth herein.

58. Defendants, and each of them, from the time that the aforementioned products were first manufactured, marketed and distributed, and up to the present, willfully deceived Plaintiffs by concealing from the Plaintiff, Plaintiffs' physicians and the general public, the true facts concerning said pharmaceutical products, which the Defendants, as manufacturers markers and distributors of the products, had a duty to disclose.

59. As set forth above, Defendant Merck & Company, Inc. sponsored a large study which concluded that patients taking Vioxx had four times the risk of heart attacks and that the risk appears to increase over time.

60. As set forth above, Defendant Merck & Co., Inc. received letters from the Department of Health and Human Services in December of 1999 stating that it had been determined that the promotional pieces utilized by Defendant Merck & Co., Inc. were false and misleading because they contained misrepresentations of Vioxx's safety profile, unsubstantiated comparative claims, and were lacking in fair balance.

61. At all times herein mentioned, Defendants, and each of them, conducted a sales and marketing campaign to promise the sale of the aforementioned drug products and willfully deceive Plaintiff, Plaintiff's physicians and the general public as to the health risks and consequences of the use of the aforementioned products. Defendants, and each of them, were aware of the foregoing, and that the aforementioned products were not same, fit and effective for human consumption, the use of said products is hazardous to health, and said products have a serious propensity to cause serious injuries to users, including but not limited to the injuries suffered by Plaintiffs.

62. The Defendants intentionally concealed and suppressed the true facts concerning said pharmaceutical products with the intent to defraud Plaintiffs, in that the Defendants knew that Plaintiff's physicians would not prescribe the subject products, and Plaintiffs would not have used the subject products, if they were aware of the true facts concerning the dangers of said product.

63. As a result of the foregoing fraudulent and deceitful conduct by the Defendants, and each of them, Plaintiffs suffered injuries and damages as alleged herein.

SEVENTH CAUSE OF ACTION

(Negligent Misrepresentation Defendant Merck & Company, Inc.; Doe Defendant Pharmaceutical Company Defendants; and Doe Defendant Pharmacies)

64. Plaintiff incorporates by reference herein Paragraphs 1 through 63 as though fully set forth herein.

65. Defendants, and each of them, from the time that the aforementioned products were first manufactured, marketed and distributed, and up to the present, made false misrepresentations, as previously set forth herein, to Plaintiffs, Plaintiffs' physicians and the general public, including but not limited to the misrepresentation that said pharmaceutical product was safe, fit and effective for human consumption. At all times herein mentioned, Defendants, and each of them, conducted a sales and marketing campaign to promote the sale of the aforementioned drug products and willfully deceive

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Plaintiffs, Plaintiffs' physicians and the general public as to the health risks and consequences of the use of the aforementioned products.

66. The Defendants made the foregoing representation without any reasonable ground for believing them to be true. These representations were made directly by Defendants, by sales representatives and other authorized agents of said Defendants, and in publications and other written materials directed to physicians, medical patients and the public, with the intention of inducing reliance and the prescription, purchase and use of the subject products.

67. The foregoing representations by the Defendants, and each of them, were in fact false, in that the aforementioned products were not same, fit and effective for human consumption, the use of said products is hazardous to health, and said products have a serious propensity to cause serious injuries to users, including but not limited to the injuries suffered by Plaintiff as delineated herein.

68. The foregoing representations by Defendants, and each of them, were made with the intention of inducing reliance and the prescription, purchase and use of the subject products.

69. In reliance on the misrepresentations by the Defendants, and each of them, Plaintiffs were induced to purchase and use the use of the aforementioned products. If Plaintiffs had known of the true facts and the facts concealed by the Defendants, Plaintiffs would not have used the subject products. The reliance of Plaintiffs upon Defendants' misrepresentations was justified because such misrepresentations were made and conducted by individuals and entities who were in a position to know the true facts.

70. As a result of the foregoing negligent misrepresentations by the Defendants, and each of them, Plaintiffs suffered injuries and damage as alleged herein.

EIGHTH CAUSE OF ACTION

(Violation of Business & Professions Code §17200 – Defendant Merck & Company, Inc.; Defendant Century Beverly Hills Pharmacy; Defendant Neighbor Care Pharmacy; Doe Defendant Pharmaceutical Company Defendants; and Doe Defendant Pharmacies)

71. Plaintiffs incorporate and reference herein Paragraphs 1 through 70 as though fully set forth herein.

72. Plaintiffs bring this cause of action pursuant to Business & Professions Code §17203, as a representative action PLAINTIFFS respectfully request that the Court award all appropriate remedies provided in the prayer.

73. California Business & Professions Code §17200 provides that unfair competition shall mean and include "all unlawful, unfair or fraudulent business practices and unfair, deceptive, untrue or misleading advertising.

74. The acts and practices described in Paragraphs 1 through 70 above, were and are likely to mislead the general public and therefore constitute unfair business practices within the meaning of Business and Professions Code §17200. The acts of untrue and misleading advertising set forth in presiding paragraphs are incorporated by reference and are, by definition, violations of Business & Professions Code §17200. This conduct includes, but is not limited to:

a. Representing to Plaintiffs, Plaintiffs' physicians and the general public that said pharmaceutical products were safe, fit and effective for human consumption, knowing that said representations were false, and concealing from the Plaintiffs. Plaintiffs' physicians and the general public that said products had a serious propensity to cause injuries to users;

b. Engaging in advertising programs designed to create the image, impression and belief by consumers, physicians that the use of Vioxx was safe for human use, had fewer side effects and adverse reactions than other pain medication, constituted a convenient, safe form of pain relief and would not interfere with daily life, even though the Defendants

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knew these to be false, and even though the Defendants had no reasonable grounds to believe them to be true;

c. Purposely downplaying and understating the health hazards and risks associated with Vioxx;

d. Issuing promotional literature deceiving potential users of Vioxx by relaying positive information, including testimonials from satisfied users, and manipulating statistics to suggest widespread acceptability, while downplaying the known adverse and serious health effects and concealing material relevant information regarding the safety of said products.

75. The unlawful, unfair and fraudulent business practices of Defendants described above present a continuing threat to members of the public in that Defendants continue to engage in the conduct described therein.

76. As a result of their conduct described above Defendants have been and will be unjustly enriched. Specifically, Defendants have been unjustly enriched by receipt of hundreds of millions of dollars in ill-gotten gains from the sale and prescription of said drugs in California, sold in large part as a result of the acts and omissions described herein.

77. Because of the fraudulent misrepresentations made by Defendants as detailed above, and the inherently unfair practice of committing a fraud against the public by intentionally misrepresenting and concealing material information, the acts of Defendants described herein constitute unfair or fraudulent business practices.

78. Plaintiff, pursuant to California Business & Professions Code §17203, seeks an order of this court compelling the Defendants to provide restitution, and to disgorge the monies collected and profits realized by Defendants, and each of them, as a result of their unfair business practices, and injunctive relief calling for Defendants, and each of them, to cease such unfair business practices in the future.

NINTH CAUSE OF ACTION

(Violation of Business & Professions Code §17500 – Defendant Merck & Company, Inc.; Defendant Century Beverly Hills Pharmacy; Defendant Neighbor Care Pharmacy; Doe Defendant Pharmaceutical Company Defendants; and Doe Defendant Pharmacies)

79. Plaintiffs incorporate and reference herein Paragraphs 1 through 78 as though fully set forth herein.

80. Plaintiffs bring this cause of action pursuant to Business & Professions Code §17203, as a representative action oar as a class action.

81. California Business & Professions Code §17500 provides that it is unlawful for any person, firm, corporation or association to dispose of property or perform services, or to induce the public to enter into any obligation relating thereto, through the use of untrue or misleading statements.

82. At all times herein mentioned Defendants have committed acts of disseminating untrue and misleading statements as defined by Business & Professions Code §17500 by engaging in the following acts and practices with intent to induce members of the public to purchase and use Pain medication:

a. Representing to Plaintiffs, Plaintiffs' physicians and the general public that said pharmaceutical products were safe, fit and effective for human consumption, knowing that said representations were false, and concealing from the Plaintiffs. Plaintiffs' physicians and the general public that said products had a serious propensity to cause injuries to users;

b. Engaging in advertising programs designed to create the image, impression and belief by consumers, physicians that the use of Vioxx was safe for human use, had fewer side effects and adverse reactions than other pain medication, constituted a convenient, safe form of pain relief and would not interfere with daily life, even though the Defendants knew these to be false, and even though the Defendants had no reasonable grounds to believe them to be true;

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c. Purposely downplaying and understating the health hazards and risks associated with Vioxx;

d. Issuing promotional literature deceiving potential users of Vioxx by relaying positive information, including testimonials from satisfied users, and manipulating statistics to suggest widespread acceptability, while downplaying the known adverse and serious health effects and concealing material relevant information regarding the safety of said products.

83. The foregoing practices constitute false and misleading advertising within the meaning of California Business & Professions Code §17500.

84. The acts of untrue and misleading statements by Defendants described herein above present a continuing threat to members of the public in that the acts alleged herein are continuous and ongoing, and the public will continue to suffer the harm alleged herein.

85. As a result of their false and misleading statements described above, Defendants have been and will be unjustly enriched. Specifically, Defendants have been unjustly enriched by hundreds of millions of dollars in ill-gotten gains from the sale and prescription of Vioxx, sold in large part as a result of the false or misleading statements described herein.

86. Pursuant to California Business & Professions Code §17535, Plaintiffs seek an order of this court compelling the Defendants to provide restitution, and to disgorge the monies collected and profits realized by Defendant, and each of them, as a result of their unfair business practices, and injunctive relief calling for Defendants, and each of them, to cease such unfair business practices in the future.

87. Plaintiffs seek the imposition of a constructive trust over, and restitution and disgorgement of , monies collected and profits realized by Defendants, and each of them, to cease such false and misleading advertising in the future.

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

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1. For past and future general damages, according to proof;

2. For past and future medical and incidental expenses, according to proof;

3. For past and future loss of earnings and/or earning capacity, according to proof;

4. For punitive and exemplary damages in an amount to be determined at trial;

5. For prejudgment interest on all damages as is allowed by the laws of the State of California;

6. For past and future mental and emotional distress, according to proof;

7. For past and future loss of consortium, according to proof;

8. For past and future costs of suit incurred herein;

9. For injunctive relief, enjoining Defendants from the acts of unfair competition and untrue and misleading advertising.

10. For such other and further relief as the Court deems just and proper.

DATED: July 23, 2001 GIRARDI AND KEESE

BY: [signature]
THOMAS V. GIRARDI
Attorneys for Plaintiffs

JURY DEMAND

Plaintiff demands a trial by jury on all issues which may be tried by a jury.

DATED: July 23, 2001 GIRARDI AND KEESE

BY: [signature]
THOMAS V. GIRARDI
Attorneys for Plaintiffs

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MERCK & CO., INC.

DEC 1 8 2001

LEGAL DEPARTMENT

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: *(Aviso a Acusado)*
MERCK & COMPANY, INC., a corporation; CENTURY BEVERLY HILLS PHARMACY, a business entity; NEIGHBOR CARE PHARMACY, a business entity; GOOD SAMARITAN MEDICAL PHARMACY, a business entity; DOE PHARMACEUTICAL COMPANIES 1 through 50, Inclusive; DOE PHARMACIES 51 through 100, Inclusive; and DOES 101 though 200, Inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(A Ud. le está demandando)
SHARON REID, as an Individual, on behalf of herself and all others similarly situated; MYRON CARUSO, as an Individual

You have 30 CALENDAR DAYS after this summons is served on you to file a typewritten response at this court.

A letter or phone call will not protect you; your typewritten response must be in proper legal form if you want the court to hear your case.

If you do not file your response on time, you may lose the case, and your wages, money and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

Después de que le entreguen esta citación judicial usted tiene un plazo de 30 DIAS CALENDARIOS para presentar una respuesta escrita a máquina en esta corte.

Una carta o una llamada telefónica no le ofrecerá protección; su respuesta escrita a máquina tiene que cumplir con las formalidades legales apropiadas si usted quiere que la corte escuche su caso.

Si usted no presenta su respuesta a tiempo, puede perder el caso, y le pueden quitar su salario, su dinero y otras cosas de su propiedad sin aviso adicional por parte de la corte.

Existen otros requisitos legales. Puede que usted quiera llamar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados o a una oficina de ayuda legal (vea el directorio telefónico).

The name and address of the court is: *(El nombre y dirección de la corte es)*
LOS ANGELES COUNTY SUPERIOR COURT
111 North Hill Street

Los Angeles, CA 90012
Central

CASE NUMBER: *(Número del Caso)*
BC254630

BC254630

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)
THOMAS V. GIRARDI, Bar No. 36603 (213)977-0211
GIRARDI AND KEESE
1126 Wilshire Blvd.

Los Angeles, CA 90017

JOHN A. CLARKE, CLERK

DATE: *(Fecha)* JUL 2 3 2001 John A. Clarke, Clerk, by *(Actuario)* E. NOLAN, Deputy *(Delegado)*

SEAL

NOTICE TO THE PERSON SERVED: You are served
1. [ ] as an individual defendant.
2. [ ] as the person sued under the fictitious name of *(specify)*:
3. [X] on behalf of *(specify)*: Merck & Company, Inc., a Corporation

under [X] CCP 416.10 (corporation) [ ] CCP 416.60 (minor)
[ ] CCP 416.20 (defunct corporation) [ ] CCP 416.70 (conservatee)
[ ] CCP 416.40 (association or partnership) [ ] CCP 416.90 (individual)
[ ] other:

4. [ ] by personal delivery on *(date)*:

Form Adopted by Rule 982 Judicial Council of California 765816 Civ-1 JC (12/94)

(See reverse for Proof of Service)
SUMMONS

CCP 412.20
LA-C-1

M004007760

PROOF OF SERVICE - SUMMONS

(Use separate proof of service for each person served)

1. I served the
   a. ☐ summons ☐ complaint ☐ amended summons ☐ amended complaint
   ☐ completed and blank Case Questionnaires ☐ Other *(specify)*:
   b. on defendant *(name)*:
   c. by serving ☐ defendant ☐ other *(name and title or relationship to person served)*:
   d. ☐ by delivery ☐ at home ☐ at business
   (1) date:
   (2) time:
   (3) address:
   e. ☐ by mailing
   (1) date:
   (2) place:
2. Manner of service *(check proper box)*:
   a. ☐ **Personal service.** By personally delivering copies. (CCP 415.10)
   b. ☐ **Substituted service on corporation, unincorporated association (including partnership), or public entity.** By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(a))
   c. ☐ **Substituted service on natural person, minor, conservatee, or candidate.** By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(b)) ***(Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)***
   d. ☐ **Mail and acknowledgement service.** By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, together with two copies of the form of notice and acknowledgement and a return envelope, postage prepaid, addressed to the sender. (CCP 415.30) ***(Attach completed acknowledgment of receipt.)***
   e. ☐ **Certified or registered mail service.** By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (CCP 415.40) ***(Attach signed return receipt or other evidence of actual delivery to the person served.)***
   f. ☐ Other *(specify code section)*:
   ☐ additional page is attached
3. The "Notice to the Person Served" (on the summons) was completed as follows (CCP 412.30, 415.10, and 474):
   a. ☐ as an individual defendant.
   b. ☐ as the person sued under the fictitious name of *(specify)*:
   c. ☐ on behalf of *(specify)*:
   under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor) ☐ other:
   ☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
   ☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (individual)
   d. ☐ by personal delivery on *(date)*:
4. At the time of service I was at least 18 years of age and not a party to this action.
5. Fee for service: $
6. Person serving:
   a. ☐ California sheriff, marshal, or constable
   b. ☐ Registered California process server.
   c. ☐ Employee or independent contractor of a registered California process server.
   d. ☐ Not a registered California process server.
   e. ☐ Exempt from registration under Bus. & Prof. Code 22350(b).
   f. Name, address and telephone number and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

▶ ______________________________
(SIGNATURE)

(For California sheriff, marshal, or constable use only)
I certify that the foregoing is true and correct.

Date:

▶ ______________________________
(SIGNATURE)

982(a)(9) [Rev. January 1, 1984]

M00400761